



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 21 2011

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Via U.S. and Electronic Mail

Janelle Reese
EH&S Compliance Systems Capability Manager
INVISTA S.à r.l.
4123 East 37th Street North
Wichita, KS 67220

Re: Notice of Determination for Self-Disclosed Violations Submitted to EPA by INVISTA
S.à r.l. Pursuant to April 14, 2009 Audit Agreement

Dear Ms. Reese:

On April 14, 2009, pursuant to the United States Environmental Protection Agency's (the EPA's) policy entitled "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," 65 Fed. Reg. 19,618 (Audit Policy), the EPA and INVISTA S.à r.l. (INVISTA) entered into an Audit Agreement. The Audit Agreement required INVISTA to conduct third-party audits of compliance with the regulations promulgated or authorized by the EPA under the Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601-2629.

INVISTA disclosed to the EPA potential TSCA violations that occurred at the 17 facilities subject to the Audit Agreement in its Initial Report dated July 30, 2009, Final Report dated November 29, 2010, and Update to Appendix E of the Final Report dated May 13, 2011. These reports list the potential violations, hereby incorporated by reference, which are the subject of this Notice of Determination.

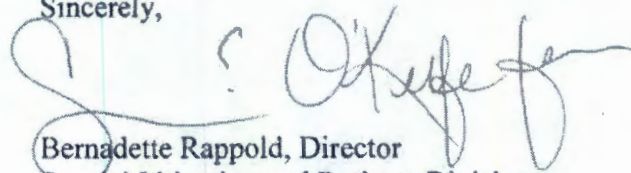
Relying on the facts and statements presented in the above-referenced audit agreement and certified reports, the EPA has determined that these disclosures meet the conditions of the Audit Policy and the Audit Agreement, and that no further action and no assessment of civil penalties is warranted. Furthermore, the EPA now agrees to allow INVISTA to release the quarantined materials of the product DYTEK 3APN that was subject to violations reported in its July 30, 2009 Initial Report (Finding Nos. 37-39 in Appendix A) and subsequently described and corrected in INVISTA's August 27, 2009 letter to the Agency requesting release of the quarantined materials. INVISTA has certified that it has corrected its noncompliance with the significant new use rule (SNUR) hazard communication, Personal Protective Equipment (PPE), recordkeeping and labeling requirements. Future processing of the DYTEK 3APN in accordance with the SNUR provisions will ensure that the EPA's concerns about possible exposures to DYTEK 3APN are addressed.

If any information or statement provided by INVISTA was false or inaccurate at the time the information or statement was provided, the EPA reserves the right to revoke its determination, including the EPA's decision to allow the release of the quarantined material. The EPA also reserves the right to

assess and collect any and all civil penalties for any violation described herein. Nothing herein shall be construed to limit the authority of the EPA and/or the United States to undertake action against any person, including INVISTA, in response to any condition which the EPA or the United States determines may present an imminent and substantial endangerment to the public health, welfare, or the environment. Furthermore, the determination does not constitute a waiver by the EPA and/or the United States of its right to bring an enforcement action, either civil or criminal, against INVISTA for any other violation of any federal or state statute, regulation, or permit.

The EPA appreciates INVISTA's willingness to self-police, disclose, and correct potential violations at its regulated facilities. If you have any questions, please contact Phil Milton at (202) 564-5029, Tony Ellis at (202) 564-4167, or Rich Albores at (202) 564-7102.

Sincerely,

A handwritten signature in black ink, appearing to read "Bernadette Rappold", written over a horizontal line.

Bernadette Rappold, Director
Special Litigation and Projects Division
Office of Civil Enforcement

cc: Phil Milton, SLPD
Rich Albores, SLPD
Rosemarie Kelly, WCED
Tony Ellis, WCED